

Response to FCC Request For Comments GN Docket No. 12-91:

Response by:

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In FCC Request for Comments GN Docket No. 12-91 at:

<http://www.fcc.gov/document/commission-seeks-comment-amateur-emergency-communications>

the FCC requests comments on a number of questions including Question 2 (d)

“2. Impediments to enhanced Amateur Radio Service communications. The statute also requires that the study identify impediments to enhanced Amateur Radio Service communications and recommendations regarding the removal of such impediments.

d. Do any Commission rules create impediments to enhanced Amateur Radio Service communications? What are the effects of these rules on the amateur radio community's ability to use the Amateur Radio Service? Do disaster and/or severe weather situations present any special circumstances wherein Commission rules may create impediments that would not otherwise exist in non-disaster situations? What actions can be taken to minimize the effects of these rules?”

It has been observed in a variety of contexts, that agencies served by amateur radio communication perceive the following:

- that encryption of certain emergency data is required (e.g. specific patient information, identification of sheltered persons, etc.)
- that certain emergency information is required for tactical purposes to be encrypted (e.g. certain logistical information: movement of food, medical supplies, certain movements of personnel)
- that for national security reasons certain emergency communications should be encrypted

FCC regulations part 97.113 (4) state:

“§ 97.113 Prohibited transmissions.

(a) No amateur station shall transmit:

(4) ... messages encoded for the purpose of obscuring their meaning, except as otherwise provided herein; ...”

As such, encryption cannot be effectively supported by the amateur service and this tension has impacted the relationship of amateur radio volunteers and served agencies and the effectiveness of amateurs in supporting emergency communications.

Perhaps the simplest approach to resolving this tension and removing this impediment to amateur support of emergency communications is to modify the regulations regarding encryption. It is noted that in Part 97.213 this relaxation has already occurred for satellite control link communications:

“§ 97.211 Space telecommand station.

(a) Any amateur station designated by the licensee of a space station is eligible to transmit as a telecommand station for that space station, subject to the privileges of the class of operator license held by the control operator.

(b) A telecommand station may transmit special codes intended to obscure the meaning of telecommand messages to the station in space operation.”

Likewise the encryption issue has already been addressed for model radio control in Part 97.215:

“§ 97.215 Telecommand of model craft.

An amateur station transmitting signals to control a model craft may be operated as follows:

(b) The control signals are not considered codes or ciphers intended to obscure the meaning of the communication.”

What appears useful in removing impediments to emergency communications activity by amateur radio operators is to provide a similar exception to the encryption requirements for emergency communications.

It is perhaps useful to consider the Australian approach to this issue. As I understand it, the Australian amateur radio service is governed the Radio communications License Conditions, and the 2010 amendments to this document may be found at:

<http://www.comlaw.gov.au/Details/F2010C00897/Html/Text#param66>

which stipulates in Part 8 paragraph (3A) that:

“Part 8 Operation of an amateur station:

(3A) The licensee must not operate an amateur station to transmit signals that are encoded for the purpose of obscuring the meaning of the signals, except for:

(a) signals exchanged between an amateur station and a space station in the amateur satellite service for the purpose of controlling the operation of the space station; and

(b) signals exchanged between an amateur station and an unattended amateur station for the purpose of controlling the operation of the unattended amateur station; and

(c) intercommunications when participating in emergency services operations or related training exercises.”

It is important to note that for amateur radio support of emergency encryption to be effective and well coordinated with the served agencies in times of emergency, that encryption must be authorized not only during the emergency, but also in training activities in preparation for emergency communications, and this need is captured in the Australian regulations.

If the FCC were to make similar modification to Part 97 to capture the intent of the Australian regulations Part 8 Paragraph 3A part c, this impediment of amateur radio support of emergency communications would be relieved, enhancing the amateur radio community's ability to effectively coordinate with served organizations and to support of emergency communications.

It would appear that this change would plausibly need to be coordinated with Part 97.213 and 97.215 to ensure regulatory consistency.

We thank the FCC for their efforts to address emergency communications by amateur radio operators in general, and would petition the FCC to consider modification to the encryption requirements in particular.